

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

FISCAL YEAR 2011-2012 BUDGET WORKSHOP SESSIONS – TO BE HELD IN THE COUNCIL CHAMBERS (SUBJECT TO CHANGE)

Please Note: Department budgets will generally be considered as listed below. Members of the public will be allowed to address the Council regarding the budget and will be allowed two (2) minutes. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date and time listed.

June 20 -	8:30 A.M.	Redevelopment Agency, Motions/votes
June 21 -	TBA	Motions/votes
June 22 -	10:00 A.M.	Motions/votes
June 23 -	TBA	Motions/votes (If required)

June 23, 2011

8:30 A.M. ROLL CALL

Invocation by Patrick Weimiller

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "KAISER PERMANENTE WEEK" – Mayor's Office and All Councilmembers

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of June 16, 2011

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION** - For fiscal year 2010-2011 claiming funds for un-cashed checks dating from January 05, 2007 to December 21, 2007, in the amount of \$27,552.37 and unclaimed bond deposits dating from February 11, 1991 to December 1, 1997 in the amount of \$28,445.00 for a grand total of \$55,997.37 – Finance Department

Action Taken:

- B. Approve the reappointments of Shari Boggess to the Civil Service Board, Sally Caglia to the Historic Preservation Commission and Bobby Blaitout to the Housing and Community Development Commission – Mayor's Office

Action Taken:

- C. Authorize the Interim Director of the Development and Resource Management Department to negotiate and enter into a consulting services contract in an amount not to exceed \$450,000 using energy efficiency and conservation block grant funding from the California Energy Commission for Home Energy Rating System (HERS) II whole house rater testing and reporting services for the Fresno Regional Comprehensive Residential Retrofit Program with Consol of Stockton, CA - Development and Resource Management Department

Action Taken:

- D. Award a contract in the amount of \$542,923 to Dilax Systems Inc. of Quebec, Canada for the Automatic Passenger Counter System (APC) – Transportation Department/Fresno Area Express

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- E. Authorize the renewal of an agreement between the City of Fresno Housing Authority and the Police Department for the HUD Capital Funding Grant Program and additional security and protection services for public housing grant; authorize the Chief of Police to execute the agreement and required program documents for the HUD Capital Funding Grant Program – Police Department
Action Taken:
- F. Request approval of the application for the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, from the U.S. Department of Justice, Bureau of Justice, for grant funding of \$326,700 to be allocated as identified in the Bureau of Justice Administration disparate jurisdiction listing– Police Department
Action Taken:
- G. Reject all bids for the acoustic treatment of 149 homes in the vicinity of Fresno Yosemite International Airport – Airports Department
Action Taken:
- H. Adopt Finding of Categorical Exemption, pursuant to Article 19, Section 15301/Class 1 (existing facility), of the CEQA Guidelines, for the interior & exterior accessibility upgrades at Fresno City Hall project– Public Works Department
Action Taken:
1. Award a construction contract in the amount of \$132,000 to Davis Moreno Construction Inc. of Fresno, CA, for construction of interior & exterior accessibility upgrades at Fresno City Hall
Action Taken:
- I. Adopt CEQA Categorical Exemption pursuant to Guidelines Section 15301 (existing facilities) for the second amendment to the Fixed Rate Patron Parking Agreement (***Property located in District 3***) .– Public Works Department
1. Authorize second amendment in the amount of \$72,000 to Fixed Rate Patron Parking Agreement between City of Fresno and Club One Casino, Inc
Action Taken:
- J. Approve an amended agreement with the San Joaquin River Conservancy in the amount of \$40,000 in State of California bond funds to increase the project budget to a total of \$200,000 for the Lewis S. Eaton Trail project (***Property located in District 2***) – Public Works Department
Action Taken:
1. Approve the first amendment to the agreement with URS Corporation for additional environmental consulting services in the amount of \$46,867 for conducting additional public outreach, preparing constraints and opportunities analysis, project description and environmental documentation pursuant to CEQA Guidelines for the Lewis S. Eaton Trail – River West project
Action Taken:
- K. Adopt Findings of Categorical Exemption, pursuant to Article 19, Sections 15301-15304 of the CEQA Guidelines for the construction of traffic signal modifications street widening and striping N. Polk and W. Shaw Avenue – Public Works Department
1. Award construction contract to American Paving Company in the amount of \$660,823 for the N. Polk and W. Shaw Avenue traffic signal modification street widening and striping (***Property located in Districts 1 & 2***) – Public Works Dept.
Action Taken:
- L. Ratify and approve a cost sharing agreement in the amount of \$76,115.26 with the County of Fresno for the installation of a traffic signal at the intersection of Church Avenue and Martin Luther King Jr. Boulevard – (***Property located in District 3***) – Public Works Department
Action Taken:
- M. Award a requirements contract to John Deere Landscapes of Fresno for irrigation equipment and supplies in the amount of \$179,623.17 - Public Works Department
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- N. Award requirements contract to Brenntag Pacific, Inc., of Fresno, California in the amount of \$176,213 for ortho poly phosphate blend, and authorize the Director of Public Utilities to execute a one-year contract with provisions for two one-year extensions - Dept. of Public Utilities

Action Taken:

- O. Award requirements contract to Airgas NCN, of Sacramento California in the amount of \$133,385 for bulk liquid oxygen, and authorize the Director of Public Utilities to execute a one-year contract with provisions for two one-year extensions - Dept. of Public Utilities

Action Taken:

- P. **RESOLUTION** - To complete the certification and claim process in order to allow the City of Fresno to receive its share of Measure "C" extension funds in fiscal year 2011-2012 – Budget & Mgmt. Studies Division

Action Taken:

- Q. * **RESOLUTION** - 87th amendment to the Annual Appropriations Resolution (AAR) No. 2010-138 in the amount of \$86,100 to transfer funds into the Granite Park fund to cover costs for security and minor safety repairs **(Requires 5 affirmative votes) (Property located in District 4)** – City Manager's Office

Action Taken:

CONTESTED CONSENT CALENDAR

9:00 A.M.

GENERAL ADMINISTRATION

- A. Introduction of two (2) ordinances related to non-exclusive franchises for roll-off collection services -in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise system on June 30, 2011 at 3:00 p.m. – Dept. of Public Utilities

1. **BILL – (For introduction)** - Granting the companies listed on attachment "A" to Exhibit "A" non-exclusive franchises for roll-off collection services within the City of Fresno

Action Taken:

2. **BILL - (For introduction)** - Repealing Article 2 of Chapter 6 of, and adding Article 2 to Chapter 6 to, the Fresno Municipal Code, relating to solid waste, recyclable and organic material collection and disposal

Action Taken:

- B. Approval of a revised five-year lease with Meux Homes Corporation for operation and maintenance of the Meux Home Museum located at 1007 "R" Street **(Property located in District 3)** – PARCS

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:15 A.M.

HEARING to consider Conditional Use Permit Application No. C-04-018 (hearing requested by Councilmember Quintero pursuant to Section 12-406-J of the Fresno Municipal Code), Rezone Application No. R-04-011 and the appeals of the Environmental Impact Report No. 10138 (SCH NO. 2007091064) for the Southeast Fresno Walmart Expansion Project, filed by CEI Engineering and pertaining to approximately 25 acres of property located on the northeast corner of S. Adler Avenue and E. Kings Canyon Road. **(Property located in District 5)** - Development and Resource Management Department

Action Taken:

Staff recommends the City Council take the following actions:

1. **RESOLUTION** – To certify the Final Environmental Impact Report (EIR) No. 10138 (SCH No. 2007091064), for the Walmart Expansion Project; and:

- a. Adopt Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and
- b. Approve a Mitigation Monitoring Program as required by Public Resources Code Sec. 21081.6 and CEQA Guidelines Sec. 15097; and
- c. Adopt the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093

Action Taken:

2. **RESOLUTION** – To approve Conditional Use Permit Application No. C-04-018 subject to the Conditions of Approval dated June 23, 2011

Action Taken:

3. **BILL - (For introduction and adoption)** - Amending the Official Zone Map to rezone the subject property as follows:
 - a. Rezone 15 acres on the eastern portion of the project site from the C-2/BA-20/cz (community shopping center/20-foot boulevard area overlay/conditions of zoning) district and approximately 8.72 acres on a westerly portion of the project site from the C-2/BA-15/cz community shopping center/15-foot boulevard area overlay/conditions of zoning) district to the C-2/BA-20 (community shopping center/20-foot boulevard area overlay) district
 - b. Rezone a 0.13-acre triangular area at the northwest corner of the project site from the C-P/cz (professional and administrative office/conditions of zoning) district to the C-2/BA-20 (community shopping center/20-foot boulevard area overlay) district
 - c. Remove the conditional zoning from the entire project site in recognition that the conditions of the previous zone changes on the site have been satisfied in conjunction with the development of the existing Walmart store

Action Taken:

10:00 A.M.

HEARING to consider an ordinance to repeal the Official Plan Lines for W. Fir Avenue from N. Marks Avenue to W. Herndon Avenue (OPL No. 97-01), and related environmental findings, on behalf of the City of Fresno. **(Property located in District 2)** – Development and Resource Management and Public Works Departments

Action Taken:

- a. Consider and adopt the addendum to Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983, as adopted by the City Council on February 10, 2011 (Resolution No. 2011-19 and Ordinance No. 2011-5/Bill No. B-5), in accordance with Section 15164 of the California Environmental Quality Act (CEQA)

Action Taken:

- b. Consider and adopt Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 for the purposes of the proposed repeal of Official Plan Lines for W. Fir Avenue from N. Marks Avenue to W. Herndon Avenue (OPL) No. 97-01

Action Taken:

- c. **BILL – (For introduction and adoption)** – Repealing the Official Plan Lines for W. Fir Avenue from N. Marks Avenue to W. Herndon Avenue (OPL No. 97-01) as recorded on September 18, 1997, in Volume 8 of Precise Plans at Pages 20 & 21, Fresno County Records

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M.

REGULAR MEETING OF THE REDEVELOPMENT AGENCY

Approve Agency minutes of May 26, 2011

Action Taken:

- A. Consider approval of a modification of an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and Jose L. Ibarra and Ivette C. Ibarra, or designee, to modify the scope of development for a residential project at 1045 U Street, located within the Urban Renewal Plan for Mariposa Project Area (***Agency action***)

Action Taken:

ADJOURN AGENCY

1:30 P.M.

HEARING to consider Council district redetermination report and introduction of ordinance to adopt new Council district boundaries - Development and Resource Management Department

Action Taken:

- a. **BILL – (*For introduction*)** - To adopt new Council district boundaries pursuant to the Council redetermination process set forth in Section 304.1 of the Charter of the City of Fresno and Article 2, Chapter 2 of the Fresno Municipal Code.

Action Taken:

4:00 P.M.

HEARING to consider the City of Fresno, Roeding Regional Park Facility Master Plan, filed and prepared jointly by the City of Fresno, Fresno Chaffee Zoo Corporation and Rotary Storyland & Playland and Final Environmental Report (EIR) No. SCH 2008031002), pertaining to Roeding Regional Park located at 850 W. Belmont Avenue, Fresno, California. The 148-acre regional park is bounded by W. Olive Avenue on the north; W. Belmont Avenue on the south; Golden State Boulevard and Union Pacific Rail line on the east; and State Route 99 on the west (***Property located in District 3***) - Development and Resource Management Department

Action Taken:

- a. Receive this staff report and related information, environmental documents and take public testimony regarding the requested recommendation for City Council consideration of the Roeding Park and Fresno Chaffee Zoo Facility Master Plans and Final Environmental Impact Report
- Action Taken:**
- b. Consider both written and oral public testimony received on this date and close the public comment portion of this public hearing. No affirmative action would be taken at this time.
- Action Taken:**
- c. **CONTINUE** the matter over to June 30, 2001 for City Council deliberations and consideration of the following:
1. **RESOLUTION** - Certifying the Final Environmental Impact Report, dated June 14, 2011, which consists of the following: Draft and re-circulated Draft (October 7, 2010 and April 21, 2011 respectively), comments received on the re-circulated Draft EIR, the responses to those comments, the Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and Mitigation Monitoring Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines 15097; and the Statement of Overriding Considerations as required by Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, because significant, unavoidable environmental impact may result from the implementation of the Roeding Regional and Fresno Chaffee Zoo Facility Master Plans.
 - Action Taken:**
 2. **RESOLUTION** - Adopting the City of Fresno, Roeding Regional Park Facility Master Plan, dated June 2009
 - Action Taken:**

CITY COUNCIL

CLOSED SESSION

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

CONTINUE COUNCIL MEETING TO FRIDAY, JUNE 24, 2011, AT 8:30 A.M. OR THEREAFTER TO CONSIDER ADOPTION OF FISCAL YEAR 2011-2012 BUDGET

Action on the Fiscal Year 2012 Budget and related items

Council adoption of the Fiscal Year 2011 -2012 City of Fresno Budget and the Community Development Block Grant (CDBG) Budget, including the Annual Appropriation Resolution (AAR)

1. * **RESOLUTION** – Adopting the budget for fiscal year 2012 and appropriating to the various departments amounts set forth for the purposes named herein
Action Taken:
2. * Adopting the fiscal year 2012 Position Authorization Resolution (PAR)
RESOLUTION – Establishing the number of positions authorized in the various departments and offices of the City for fiscal year 2012
Action Taken:
3. * Adoption of the fiscal year 2012 GANN Appropriation Limit Resolution
RESOLUTION – Selecting method to determine GANN appropriation limit, relating to the fiscal year 2011-2012 City budget
Action Taken:
4. * Adoption of Property Tax Override Ordinance
BILL - (For introduction and adoption) – Authorizing the levy and collection of a property tax on taxable property in the City of Fresno for partial funding of the Fresno Fire and Police Retirement System and the Fresno City Employees' Retirement System for the fiscal year beginning July 1, 2011
Action Taken:
5. * Adopt the fiscal year 2012 Salary Resolution
RESOLUTION – Establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules for fiscal year 2012
Action Taken:
6. **RESOLUTION** – Approving submission of the fiscal year 2011 - 2012 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for the CDBG, HOME, ESG, and the Housing Opportunities for Persons with AIDS (HOPWA) Program funds and authorizing the City Manager to sign all implementing documents required by HUD
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

June 28 -	TBA	Spillover <i>(If needed)</i>
June 30 -	9:50 A.M.	JPFA item
June 30 -	10:00 A.M.	Adopt Redetermination of Council District boundaries
June 30 -	10:30 A.M.	HEARING re: Roeding Park Master Plan
June 30 -	10:45 A.M.	HEARING re: Plan Amendment No. A-11-002, Rezone Application No. R-11-002, filed by Jeff Roberts on behalf of Trudy Moxley
June 30 -	3:00 P.M.	PUBLIC PROTEST HEARING and approval of items related to non-exclusive roll-off collection franchise system
July 21 -	10:00 A.M.	HEARING re: consideration of Plan Amendment No. A-09-10, Rezone Application No. R-09-20, filed by Herndon LLC
July 28 -	10:00 A.M.	HEARING re Community Facilities District No. 9, Annexation 1, Tract 6958